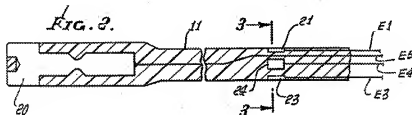


## REMARKS

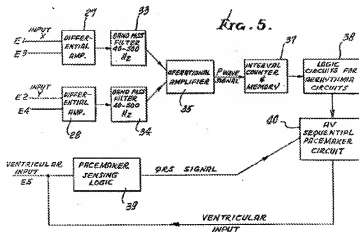
Claims 1-3, 5, and 9 are rejected as being obvious over US RE 31,990 to Sluetz et al. (US RE 31,990 in view of Doan (US 7,031,774) and Goldreyer (US 4,365,639). However, in the stated grounds for rejection as to claim 1, only Sluetz and Goldreyer appear to be combined. Doan seems to be applied only in regard to claim 2. Applicant will nevertheless address both the Sluetz-Goldreyer combination and the Sluetz-Goldreyer-Doan combination.

The primary reference, Sluetz, shows a lead connector wherein the polarity of distal electrodes 68 and 69 can be reversed by axially repositioning the proximal end of the lead within the connector block assembly. The office action recognizes that Sluetz does not include the "circumferentially" distributed electrode array limitation of claim 1 and relies upon Goldreyer.

The arrangement of Goldreyer relied upon is shown in Fig. 2:



Electrode 20 is at the distal end and serves as a stimulating electrode. The electrodes 21-24 are sensing electrodes, which are connected over conductors E1-4 to a pulse generator. All of the electrodes are operative at the same time. The electrode set 21, 23 provides a first bipolar signal, and the electrode set 22, 24 provides a second bipolar signal at the same time that has an orthogonal P-wave component to the first signal. See col. 4, line 62 to col. 5, line 2. The office action characterizes Goldreyer as having "selectable" electrodes (see paragraph 9 at p. 5). However, clearly there is no selection of electrodes. All of electrodes 21-24 are connected at all times to the connector block (not shown) that interfaces the conductors E1-4 to the differential amplifiers 27 and 28 (Fig. 5). The drawing figures definitely show a "hard-wired", non-changeable connectivity between the electrodes 21-24 and the pulse generator.



Accordingly, Goldreyer cannot provide a pacing lead with multiple selectable, circumferentially spaced electrodes to sense in a specific area to determine local effects. Therefore, in view of the clearly erroneous characterization of Goldreyer, the obviousness rejection of the claims based on Sleutz and Goldreyer (and Doan) cannot stand and should be withdrawn.

To the extent Doan is relied upon, such reliance would appear to be for its disclosure of sliding contacts wherein mobile contacts engage a first pair of stationary contacts or a second pair of stationary contacts based on positioning in a first or second position (see paragraph 8 on p. 4). The sliding contacts are located in a boot that is located on the lead body distal of the proximal end of the lead having connectors that fit with the pulse generator header block. The depiction in Fig. 2 illustrates this fact:



The Sluetz-Goldreyer-Doan combination fails to result in the claimed subject matter, as a whole, of claim 1. First, as pointed out in previous remarks,

claim 1 requires that, at each position of the lead connector *within the connector bore of a header*, one of the lead connector contacts is electrically connected to the pulse generator by the bore contact and another one of the lead connector contacts that is inside the bore connector is electrically disconnected from the pulse generator. Applying newly-cited Doan to Sluetz would only result in what is shown in Doan. A boot that is mounted on the lead body separate from the connector bore of the header. The fixed connections within the connector header block remain in Sluetz. Because modifying Sluetz with Doan does not result in connector contacts inside the bore connector that are electrically disconnected from the pulse generator, the Sluetz-Goldreyer-Doan combination fails to establish *prima facie* obviousness.

Second, having sliding contacts as provided by Doan would have no purpose in a combination with Goldreyer, because the electrodes in Goldreyer are always active and not selectable. There is no reason to provide an electrode selectivity switch when using the circumferential electrode array of Goldreyer, wherein the electrodes are not selectable. If it is deemed that a combination of Goldreyer and Doan might suggest substituting the circumferentially distributed electrode array for the longitudinally distributed electrode array 44, 46, 48, 50 in Doan, this also fails. Because, doing so would defeat the purpose of the electrode selectivity feature of Doan, which feature is to permit a particular set of electrodes to be selected to effect proper positioning of active electrodes within a patient's heart based upon the size of the patient's heart (see col. 1, line 60 to col. 2, line 2). A circumferential array of electrodes would place all electrodes at the same longitudinal spacing along the lead and provide no adjustment of electrode placement according to heart size.

In summary, there is no motivation to make the Sluetz-Goldreyer-Doan combination. It has long been a requirement that there must be some logical reason apparent from the references that would justify the combination. *In re Regel*, 188 USPQ 132 (CCPA 1975). And, even if done, the Sluetz-Goldreyer-Doan combination does not result in the subject matter, as a whole, of claim 1.

To be a valid obviousness rejection, the combination of references must provide all the claim limitations. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991). Applicant respectfully submits that none of these legal requirements for *prima facie* obviousness has been met.

Claims 2, 3, 4, 5, 6, 7, 8 and 9 are also allowable as being dependent from claim 1.

Applicant submits that the claims are in proper form and condition for allowance. A prompt issuance of a notice of allowance is requested.

Respectfully submitted,

June 1, 2007  
Date

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